

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: C. R. BARD, INC.,
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2187

THIS DOCUMENT RELATES TO:

Fouts v. C. R. Bard, Inc., et al.

Civil Action No.: 2:12-cv-01395

ORDER

(Dismissing Defendant C. R. Bard, Inc. with Prejudice
and Transferring Case to MDL 2327)

Pending in this case is a Joint Motion to Dismiss Defendant C. R. Bard, Inc. with Prejudice filed by the plaintiff and C. R. Bard, Inc. (“Bard”), and plaintiff’s Motion to Transfer MDLs. [ECF No. 22]. The Motions seek an order (1) granting dismissal of Bard as a defendant in these actions with prejudice because all claims against Bard have been compromised and settled, including all claims, counterclaims, cross-claims and third party claims; and (2) transferring the case to the appropriate remaining MDL.

After careful consideration, it is **ORDERED** that

- (1) the Joint Motion to Dismiss Bard with Prejudice and the plaintiff’s Motion to Transfer MDLs are **GRANTED**;
- (2) Defendant Bard is **DISMISSED WITH PREJUDICE** as a defendant in this action;
- (3) this action is **TRANSFERRED** to MDL 2327;
- (4) pursuant to Bard MDL Pretrial Order No 275 as amended by PTO No 283 (Amended Docket Control Order – C. R. Bard, Inc. Wave 7 Cases), which states the following,

Transfer of any Wave 7 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into American Medical Systems, Inc. (“AMS”), Boston Scientific Corporation (“BSC”) or Ethicon, Inc. (“Ethicon”) MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders[.]

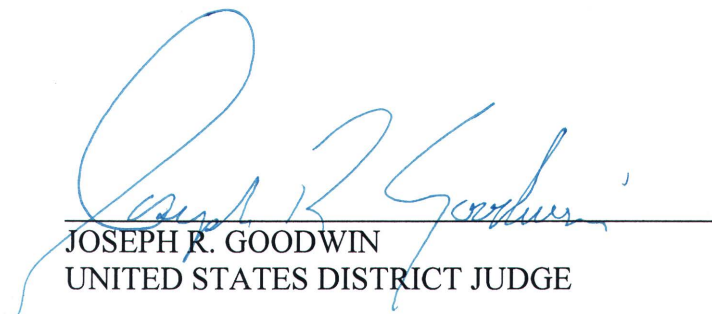
this case, which resided in Bard Wave 7, is now subject to PTO Nos. 280 and 303 entered in MDL 2327; and

- (5) to the extent an Amended Short Form Complaint has not been filed, the court **DIRECTS** plaintiff’s counsel to file the appropriate Amended Short Form Complaint within two weeks of the date of this Order.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate this civil action as a member case in MDL 2187 and re-associate it with MDL 2327;
- (2) file MDL 2327, PTO Nos 280 and 303 in this case;
- (3) change the 2187 Wave 7 flag to a MDL 2327 Wave 8 flag; and
- (4) file a copy of this order in 2:10-md-2187 and in the individual case.

ENTER: August 13, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE